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TELEPHONE, BEEKMAN 2200.

The President and the Chamberlain Bill.

The President, in THE SUN's opinion, is entitled to credit for the general view of constitutional law and American institutions which has inspired him to take a resolute stand against the proposal to transfer from the civil courts to courts-martial the trial of statutory offenses such as treason, espionage, sabotage and minor enterprises of a seditious nature. Nobody will suppose that Mr. Wilson's attitude toward the Chamberlain bill is determined by the circumstance that it is not a measure prepared at his own instance for the further extension of his war powers, like the Overman bill, for example, but introduced by a Senator who has been a vigorous and useful legislative critic of the manner in which some of the powers already in the Administration's hands have been exercised to the detriment or delay of the nation's great undertaking.

To suppose that such was the case would be to attribute a personal motive of playfulness character to the Chief Executive.

But Mr. CHAMBERLAIN's bill reflects a growing public sentiment of the most practical and insistent kind, even though it may be criticised with justice as opposed to the ideals and practices of American democracy; as contrary to the spirit if not to the letter of that Constitution which the Supreme Court in the *Milligan* case defined as "a law for rulers and people, equally in war and in peace," covering "with the shield of its protection all classes of men, at all times and under all circumstances." To his previous services in imparting a better tone to the quality of executive performance, in correcting defects of administrative method, in eliminating red tape and in speeding up war preparations generally, the Chairman of Military Affairs has added another of importance.

His present bill would extend military law all over the Union so far as concerns the trial and punishment of civil offenses in the enemy interest. It would necessarily involve to that extent the suspension of the writ of *habeas corpus* in every State of the Union, for military law cannot supersede civil law without the suspension of that writ, and *habeas corpus* proceedings in such cases are nothing else than the assertion of the supremacy of civil law over martial law. And the Constitution expressly provides in the ninth section of Article I, that "the privilege of the writ of *habeas corpus* shall not be suspended, unless where in cases of rebellion or invasion the public safety may require it." The Supreme Court has distinctly interpreted this prohibition. Martial law cannot arise from merely threatened invasion. The necessity must be actual and present. The rebellion must exist, the invasion must be real, such as effectually closes the civil courts and deposes the civil administration.

JEFFERSON DAVIS himself was indicted for treason, under the full constitutional guarantees of the regular civil procedure, by a grand jury in the United States Court for the district of Virginia. He was brought before the court at Richmond on a writ of *habeas corpus* and admitted to bail. His case came under the provisions of Article V, which declares that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger."

It is true that the conspirator assassins of LINCOLN were not tried by military commission and not admitted to trial by jury or to the protection of the writ of *habeas corpus*. But Washington was then under martial law. The proclamation of President LINCOLN himself, issued on September 15, 1863, during the rebellion throughout the United States, had suspended the *habeas corpus* writ in "all cases where the military, naval and civil officers of the United States, or any of them, hold persons under their command or in their custody, either as prisoners of war, spies, or aiders

or abettors of the enemy." There is no rebellion throughout the United States to-day. There is no actual invasion of the United States by a foreign enemy. There is no constitutional warrant for suspending the operation of Article V.

We are convinced that as to the constitutional objections to the Chamberlain bill sound lawyers in the Senate will be found in agreement with President Wilson's general position. All this being true, we say, and the protest of the President being valid against the overthrow of civil jurisdiction in cases defined by civil law, it is also true, nevertheless, that by introducing the bill Senator CHAMBERLAIN has added to his distinguished services in the promotion of war efficiency. He has probably accomplished his purpose. By the extreme character of the remedy he proposes he has called attention, in the most striking manner possible, to the deplorable laxity of the treatment now accorded to spies and traitors. The whole loyal nation is becoming hotly indignant at the manner in which the existing statutes are administered and at the constant escape of public enemies from the proper consequences of their crimes; and the country is becoming more and more disposed to hold the Department of Justice and its multitudinous organization responsible for this state of affairs. Few people doubt that the laws already enacted, and the civil courts already constituted, are adequately adapted to a more vigorous and exemplary prosecution of these despicable criminals.

Perhaps that is what the Senator wanted to emphasize.

At the same time the Senator has afforded to the President a magnificent opportunity to prove that there are war powers which he is not anxious to take upon himself. The manner in which the President has grasped the opportunity shows that it was welcome to him, and his use of it is reassuring to those who are looking for a limit to the stupendous process of centralization.

Volunteer Lives and Dollars.

When the finest type of the American manhood has volunteered its life against the Prussian war machine, does anybody safe at home ever think he could be justified in failing to volunteer his dollars?

It happens that the great majority of the soldiers on the firing line in France are volunteers—volunteers in the Regular Army, volunteers in the National Guard troops, trained, equipped and ready to go to the front even before we began our draft system. Thus it happened that the first men who went over, the first men who were in the trenches, the men who were fighting like veterans, are being slain by hundreds, are volunteers, pure and simple. When they went into the ranks they offered their lives without question. When they die on the battlefield they are glad to give their lives for their country.

But when the Government asks the man who stays at home to subscribe for a Liberty bond the Government does not ask him to give anything. The Government asks him to lend it money with which to back up those men who are willing to die at the front. The bond subscriber doesn't give anything; he gets something, for all the while the Government holds his loan it pays him interest on it.

While the cables are bringing us the daily toll of our splendid men who have volunteered their lives and are giving their lives, can there be a single man in the United States willing to have this Liberty bond subscription close a week from next Saturday without his name on the list?

What Mme. Ober Could Tell If She Were Let Go.

An application for permission to return to Germany has been made to the Government by Mme. MARGARETE OBER, a mezzo soprano who at one time ornamented the stage of the Metropolitan Opera House. Her request has been referred to Washington in order that the Department of Justice may consider the danger of Mme. OBER's imparting to Germany such information as she may have absorbed in the past year or more. We are ignorant of the singer's capacity for the assimilation of military knowledge, but it is obvious that she could, if allowed to return to Germany, divulge important news.

She could tell the Wilhelmstrasse that America not only knows that it is in the war, but knows also, in the Paul Jones sense, that it has not yet begun to fight.

She could say that we have more men, real men, willing to be trained and to fight than any other country; that their induction into the army is going on without a whimper; that only the head of the parade has been ordered France, but that the rest will follow without a break.

She could say that Americans have bought bonds until they have come to look upon economy and self-sacrifice as a fascinating game at which twenty million families can play; that if money wins wars America has this war in its pocket.

She could say that our greatest failure in physical accomplishment has been in airplane production, and that the President, who has just remedied unfavorable conditions in shipbuilding, is considering equally vigorous action in the matter of air fighting efficiency.

There is, however, a contingent made up of the original Venetians and also a small force from the recently reorganized and reequipped Greek national army. This offensive is thus affording Greece her first opportunity to take part in one of the larger activities of the war as a real belligerent.

The size of the entire force at the command of General GUILLERMET is somewhat of a mystery. He has struck at three of the strong points of the enemies' line: at the center, near the Cerna bend south of Monastir; on the right, in the Albanian highlands, and on the left, at the mountain pass above Dorian. As the enemy has had the advantage of months of occupation to fortify all these positions, it is to be supposed that in undertaking this offensive he has a force which he believes equal in efficiency if not in numbers to that of his foe.

This movement is not entirely due to "the melting of the snows in the Balkans," that ancient sign for the renewal of hostilities in this region. It is rather a diversion to keep the Bulgarian troops from answering the call of the Kaiser for help on either the western or the Italian fronts. Germany needs the fresh Bulgarian troops; she needs them either to aid her in her fight in Picardy or to replace seasoned troops on the Plave in order that Austria may release to her more regiments.

Foxy FERDINAND has been accused of lukewarmness to the general cause of the Central Powers. The division of spoils in southeastern Europe has been especially disappointing to him. He has maintained that he required his army for the defence of his own territory. With this new offensive in progress he has an excellent reason to bear down upon this argument, and he will do so, too, unless Germany and Austria alter their former decision and grant his demands. FERDINAND will be loyal if he gets his price.

For the moment, and until further notice, the German national air has been changed from "The Watch on the Rhine" to the Watch on Austria.

Guatemala enters the war as the nineteenth foe of Germany. This little Central American country quickly followed the declaration of war by the United States with a brief in diplomatic relations with Germany; for this she now substitutes a declaration of hostilities. Guatemala knows the Germans; they were owners of large coffee plantations in the country; they made her ports centres for an active German propaganda in Central America, and place for plot to overthrow the Government. One of her first acts after the break was to gather up propagandists and plotters and to put them at work on Guatemalan plantations. Guatemala's capital last December was destroyed by an earthquake, much of the western portion of the country was badly shaken and the business and industries of the country paralyzed. But the National Assembly apparently did not consider this an extinguisher of military enthusiasm. Guatemala follows Cuba in taking the same position as the United States. The only lightning bolt of the war to come from the Tropic of Cancer now is somewhere below the Rio Grande and north of the Guatemalan borders.

Upper West Side residents who complain of Jersey vapors should find in their factories a reason for the purchase of Liberty bonds. However objectionable may be the poison gases of New Jersey, they are not so stifling as those of Germany.

The bulldog couldn't dig the rat out so he blocked him in.

If the Allies have become for the time being masters of the air Washington should congratulate the French and the British and then hasten to do better than it has done in the way of sending airplanes to Europe.

Sir ERIC GORDON may have been a student of the methods employed by RICHMOND PEARSON HOBSON on June 3, 1898.

ITALIAN DIPLOMACY.

It Won a Winter Encounter on the Brooklyn Rapid Transit.

TO THE EDITOR OF THE SUN—Sir: Coming over to New York on a "below zero" morning in January a passenger on a Union street car of the B. R. T. sat in a corner and stamped his feet. When the car reached the Brooklyn Bridge the conductor came inside to escape the arctic breezes. Just then one of the ventilators near the cash fare clock blew open. The chap in the corner seat shivered. "Then he rapidly rehearsed what he was going to say to the conductor, as it is necessary at all times to be considerate, polite and diplomatic in addressing a B. R. T. man. While meditating whether to say "If you please" or "Will you please" a grizzled old Italian wearing two thick coats and huge gloves came to the rescue. He arose. He looked at the open ventilator window, clapped his gloves and yelled. The conductor looked bored. "Hey," he cried, "two months all right. Now—no good!"

The conductor closed the window. The chap in the corner didn't get a chance to spring his eloquence. What the Italian said was brief but expressive. "Two months—all right. Now—no good!"

Viola l'Italia! J. MCG. BROOKLYN, April 23.

Voices of the Pocket.

Pockets used to jingle. When I went to walk; Heard the coins clinking, Listened to them talk.

Spoke the Lincoln penny: "Did I vainly live? Surely I, if any, Should be saved to give."

From the nickel loudly Spoke the cent: "I've told me proudly, 'Me-American!'"

Those on whom were graven Silver Liberty Told me: "You are craven—We should bullets be."

Pockets no more jingle, Have no more to say; Stamps and bonds clinking In their depths today.

McLanahan Wilson.

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McLanahan Wilson.

THE AMERICAN FLIERS.

An English Birdman's Compliment and Advice to Our Airplane Forces.

Extracts from a private letter of a Londoner to the Editor of THE SUN—Sir: I like your American boys—they are splendid. Can spend five years after the war making good my promise to visit many of them and "their folks." Have fallen in love with more than a score of American girls from the description given by their respective brothers. How they love "the folks at home"—their "dada" and "mama," their "kid brothers" and their sisters and sweethearts. Many of them who have seen samples of Hunnish brutality to women and children and seem to realize that it might have been their own have been visiting the United States and using American swear words that bode badly for the luckless Hun who should "come their way" in the big push.

What beats me is how the Boche air-men have the heart to drop bombs over peaceful little villages and defenseless towns where the best thing for a child is to be a mother's child and a mother too old to be with their country's army. I have been in several bombing raids miles and miles into Germany, and have helped smash up quite a few munition dumps, railway junctions and other salient targets—it is rattling good sport, and especially when anti-aircraft guns are spitting you and you find yourself doing a little mental gymnastics.

Bombing innocent women and kiddies doesn't seem to be playing cricket. I don't care what frame of mind a man goes up in; no decent fellow can see the tiny little doll-like houses and allow himself to be so much as tempted to drop a bomb on the occupants, but it is just glorious to hit munition works or a railroad siding and see a train load of war materials scatter.

The American boys make ideal fliers, but don't seem to be trained on the right kind of machines to be taught the so-called "art" of flying. They teach the Avro system of training that is doing such wonderful work in rapid instruction all over England, and so do away with all the additional training they have to go through on arriving here in addition to being so keenly disappointed in not being allowed to get into the thick of it.

It would be clear murder to allow them to tackle an enemy aeroplane without first knowing the score of different kinds of circus tricks that have helped to bring down so many of the German planes. You can look out for terrific attacks from the Hun, and you can easily figure that the men who shot them down were Avro trained fliers who knew just how to get Fritz when Fritz thought he was about to get them. You will see as I am getting quite some American slang talk.

American, French and British boys are fighting, but "three of a kind" is now demonstrating this every day. Take one of each, put them together, and a Dumas or a Kipling has all the material necessary for an up-to-date story of the "Three Musketeers" or "Soldiers Three." I wonder that some aviators in not being thought of this. I suppose that America knew and appreciates the good work being done by the American Y. M. C. A. behind the lines. "The lath string is out and the roof is off" is the quaint way in which French, British and other allied fighters are welcomed to share the good fellowship of the Little Corporal. Howard of "Uncle Tom's Cabin" fame scored heavily in a local drama called "Katy the Hot Corn Girl," by Helen Robinson, then a writer for THE SUN.

Vendors of almost anything fit to be stood in front of the East Side theatres and the houses of the French and the missions, especially from the critics of the pit.

PHILADELPHIA, Pa., April 23.

THEY SHALL NOT CONQUER.

Germany Must Pay the Penalty for Her Misdeeds.

TO THE EDITOR OF THE SUN—Sir: Germany is not the first nation which, leaving in its wake destruction and slaughter, murdering old men, defenceless women and helpless children, has invoked the name of God with monstrous blasphemy, striving to drag the Omnipotent down to their bloody altars to palliate their dreadful crimes.

Spain in the crimson centuries that are past, when the excuse was greater because progress had been less, dared to bear the names of Jesus in the forefront of its armies while the shillery of that cruel race sang sacred hymns to drown the agonized cries of their victims. From the torture racks of fiesdial Torquemada, from the dying in the streets of Moorish Granada, from peaceful homes and families far off Peru and the Indies rose one and the same despairing wail of anguish and the only God, in the real heaven, Who declares "Vengeance is mine; I will repay," heard that cry and wept Spain into the waste heap of nations.

Do not doubt; do not waver, or cast your eyes to heaven wondering if within the inevitable glory that gathers about the Unknown there is aught that the Unchanged Intellect, infinite, all pitiful, bringing order out of primal chaos and dark night as the woe pile away into eternity.

Little by little we see disorder removed—the reign of law established; and do not doubt that this last personification of the evil forces which strive to destroy, this wicked nation, this beast of prey, is remembered of Our Father! In bloody sweat, in disgrace, in trouble of body and spirit, it will stand a parish among the peoples of the world, paying for the sins of the wicked, toll it has taken of the innocent, until the last penny is made good on the books of the Lord God Omnipotent.

Howard B. GORTSCHUW. HACKENSACK, N. J., April 23.

Bread Without Wheat.

From the Naples Correspondent. Investigators sent out by the biological bureau of the Department of Agriculture report in the dispatches from Mexico, El Salvador and Vera Cruz, Mexico, of numerous specimens of the "bread tree," which is common in the islands of the South Sea. It is proposed to propagate and plant these trees upon the islands, thereby forming an important addition to the food resources of the tropical portions of the republic.

The Past Tense Patriotic.

He loves to tell of Paul Revere, Ethan Allen, too; Their deeds of daring thrill him clear through and through and through. He boldly fights at Lexington—Mentally, in thought—But not a single bond, not one, Has he bought.

At Valley Forge he bleeds and dies, Heroes on his lips; In later war, with Lawrence cries: "Don't give up!" He's proud of every native son, Where and how he fought—But not a single bond, not one, Has he bought.

H. H.

THE CAPTURE OF JEFFERSON DAVIS IN THE GEORGIA PINES.

A New Version of the Event by One Who Believes Himself the Only Living Eyewitness.

From the Tifton Gazette of April 20.

Contrary to usual accounts, it was not raining that morning; it was fair; there was perhaps some mist.

"I was up and out on the farm, for the day was one my father had set for his annual sheep shearing. For several days the men had been gathering the sheep from many miles around, but there was one bunch that ranged near home, along the small stream where my father was captured, and these my father called the 'Pine' sheep."

"I heard the firing, but thought it was the popping of whips of the drivers sent out for these, although I thought it remarkable that the sound was so clear and the pops came so close together, concluding that father had sent an unusual number of men after the sheep and that they were having trouble driving them. I knew nothing of the capture of Davis until several hours later.

"Toward the middle of the morning, when the men were busy beginning the work of shearing, a Ford officer and his aide rode up. I think he was a captain. They went to the horse lot and without dismounting opened the gate, rode up to the crib door, opened it and looked at the corn inside. Still on their horses, they rode into the yard, opened the smokehouse door and looked to see how much bacon and lard we had. Then the officer asked who was the owner, and my father being pointed out rode up to him and said:

"We are short on rations and feed and will have to use some of your corn, meat and lard. I will send some men for it."

"They had been on a long march, through a country which the war had made desolate. I have no doubt they had met considerable trouble in finding feed for men and horses. My father, Jacob Young, was known all over the country as a good man and a good farmer, and that had no doubt come to the knowledge of the officer.

"We expected the men to return in less than an hour and waited with some dread, for we knew that if all our supplies were taken we had no means of getting more before crops came in. But the men never came. There was a large gathering at my father's for the sheep shearing, and all the men had brought their guns, as was a general custom then, when the woods were full of game. These guns, perhaps twenty or more, were standing in plain view of the officer, and I have a very strong feeling that he believed it was a party gathering to go to the rescue of Davis. He was in a hurry to leave, and as soon as he returned to camp the two detachments, with their prisoners, packed up and left.

"Many of us went to the scene soon after, but the cavalry left. They buried the dead but took the wounded with them. There were several dead horses lying around and many pine bore marks of bullets. Where each horse lay the wiregrass died and has never grown back. Pines are still standing bearing the marks of the bullets, and although the timber had almost disappeared from the section surrounding and nearly all the land has been brought into cultivation, that particular spot is little changed since the capture of Davis and has been offered by Judge J. B. Clements, its owner, to the Georgia division of the United States Cavalry for the Confederacy for a memorial park."

THE LOAFERS LAW.

One New Yorker Must Draw a Man From Industry to Meet It.

TO THE EDITOR OF THE SUN—Sir: I read with interest P. J. Sutherland's criticism of the forced labor or anti-loafing law about to be enacted in this State and his statement of how it will affect him. Like him I had expected to spend the summer at our place in the country in Idleness.

Our chauffeur recently enlisted and I had expected to do the family driving, but, in his place, now I will have to spend the summer doing non-essential office work in the city and some man drawn from some essential work will have to do the things I would otherwise be doing at home.

This man would either be a farmhand who would be interrupted in his work in the fields to attend to various things during the day, or else he would be some chauffeur who might otherwise be useful driving an army truck or business motor, and who would not have more than two or three hours real work to do a day at our place.

I say that I shall be forced to do some non-essential office work in the city because I know of no essential war work or industry that I can engage in and be able to spend three or more hours commuting daily. I must be able to get home at night, and therefore cannot work more than seven hours daily. I am a city man shut up in city office work for nearly a quarter of a century, and therefore not able to engage in real farm work for the required thirty-six hours a week (which, I believe, the law stipulates). Of course I could camouflage by taking out a chauffeur license, but I have no oil six hours a day, but that is not my way of doing things.

CONSCIENCE LOAFER.

NEW YORK, April 23.

NEW YORK STREETS CRIES.

The Chants of Some Peddlers Long Since Departed.

TO THE EDITOR OF THE SUN—Sir: Do old New Yorkers remember the various cries of the peddlers? There was the charcoal man, perched high upon a black-covered stool, who every day then shouted "Char-coal!" There was an old fellow with a deep tin can who now and then dolefully cried "Soap fat!" We boys would shout, "What do you feed your wife